
By: **The President (By Request - Department of Legislative Services - Code Revision)**

Introduced and read first time: January 27, 2003
Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety Article - Cross-References and Corrections**

3 FOR the purpose of correcting certain cross-references to the Public Safety Article in
4 the Annotated Code of Maryland; correcting certain errors in the Public Safety
5 Article; and generally relating to the Public Safety Article and cross-references
6 and corrections to it.

7 BY repealing and reenacting, with amendments,
8 Article 10 - Legal Officials
9 Section 40(u)(4)(iii)8., (iv), and (v)1.
10 Annotated Code of Maryland
11 (2001 Replacement Volume and 2002 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article 41 - Governor - Executive and Administrative Departments
14 Section 4-301(a)(3)
15 Annotated Code of Maryland
16 (1997 Replacement Volume and 2002 Supplement)

17 BY repealing and reenacting, with amendments,
18 Article 49B - Human Relations Commission
19 Section 5(e)(2) and 22(b)(2)(ii)
20 Annotated Code of Maryland
21 (1998 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article 83B - Department of Housing and Community Development
24 Section 2-302(j) and 3-101(b)(3)
25 Annotated Code of Maryland
26 (1998 Replacement Volume and 2002 Supplement)

27 BY repealing and reenacting, with amendments,

1 Article - Business Occupations and Professions
2 Section 3-103(d)(2), 13-102(8), and 19-101(k)
3 Annotated Code of Maryland
4 (2000 Replacement Volume and 2002 Supplement)

5 BY repealing and reenacting, with amendments,
6 Article - Business Regulation
7 Section 4.5-101(h), (i), and (j) and 4.5-604
8 Annotated Code of Maryland
9 (1998 Replacement Volume and 2002 Supplement)

10 BY repealing and reenacting, with amendments,
11 Article - Commercial Law
12 Section 13-308(b)(1), 13-313(d)(1), and 14-1309(b)(1)
13 Annotated Code of Maryland
14 (2000 Replacement Volume and 2002 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Courts and Judicial Proceedings
17 Section 2-608(a)(10), 3-8A-03(d)(4)(ix), 3-8A-27(g), 4-401(11), 5-106(u),
18 5-303(c)(2)(ii), 5-409, 5-513, 5-613, and 7-409(a)(2)(x) and (xi)
19 Annotated Code of Maryland
20 (2002 Replacement Volume)

21 BY repealing and reenacting, with amendments,
22 Article - Criminal Law
23 Section 2-303(a)(3)(i) and (ii)4., 3-202(a)(2)(iv), 3-204(c)(2)(ii), 4-101(b)(3),
24 4-106(a)(6)(iv), 4-203(b)(2), 4-204(a), 4-207(a), 4-208(a)(4), 4-306(b)(1),
25 4-501(c)(2)(i) and (3), 4-502(4), 5-621(d)(2)(i), 5-622(a)(3), and
26 6-201(g)(1)(iii)
27 Annotated Code of Maryland
28 (2002 Volume)

29 BY repealing and reenacting, with amendments,
30 Article - Criminal Procedure
31 Section 2-102(a), 2-206(a) and (b)(1) and (2), 2-208(b)(2)(vi), 2-209(a)(2)(ii) and
32 (b)(2)(ix), (xii), and (xiii), 4-101(a)(3)(iii) and (c)(1), 13-201(1), and
33 13-203(b)(2) and (c)
34 Annotated Code of Maryland
35 (2001 Volume and 2002 Supplement)

36 BY repealing and reenacting, with amendments,
37 Article - Education
38 Section 6-411(b), 6-514, 7-303(a)(2), and 26-102(a)

1 Annotated Code of Maryland
2 (2001 Replacement Volume and 2002 Supplement)

3 BY repealing and reenacting, with amendments,
4 Article - Financial Institutions
5 Section 5-707(a)
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2002 Supplement)

8 BY repealing and reenacting, with amendments,
9 Article - Labor and Employment
10 Section 3-702(b)(3)(i), 5.5-113(c), and 9-602(f)(1)
11 Annotated Code of Maryland
12 (1999 Replacement Volume and 2002 Supplement)

13 BY repealing and reenacting, with amendments,
14 Article - Natural Resources
15 Section 5-9A-05(b)(2), 8-1103(j), and 10-410(c)(1)
16 Annotated Code of Maryland
17 (2000 Replacement Volume and 2002 Supplement)

18 BY repealing and reenacting, with amendments,
19 Article - Public Safety
20 Section 5-133(c)(1), 5-203(a), 11-116(a)(2)(i), (x), (xv), (xvi), and (xvii) and
21 (b)(2)(i), (x), (xv), (xvi), and (xvii), and 12-809(b)(1)
22 Annotated Code of Maryland
23 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
24 2003)

25 BY repealing and reenacting, with amendments,
26 Article - Public Utility Companies
27 Section 7-401(d)(3)(iii) and (iv) and (e)
28 Annotated Code of Maryland
29 (1998 Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,
31 Article - State Government
32 Section 3-303(b)(1), 3-304, 3-401(1), 8-403(b)(10), 12-401(11), and 15-105(b)
33 Annotated Code of Maryland
34 (1999 Replacement Volume and 2002 Supplement)

35 BY repealing and reenacting, with amendments,
36 Article - State Personnel and Pensions
37 Section 8-305(c)(1), 10-404(b)(3) and (c)(2)(i) and (3)(iii), 21-111(b)(4),

1 24-201(1), 29-103(c)(2)(v), and 29-112
 2 Annotated Code of Maryland
 3 (1997 Replacement Volume and 2002 Supplement)

4 BY repealing and reenacting, with amendments,
 5 Article - Tax - General
 6 Section 10-207(e-1)(1), 11-104(d), and 11-213
 7 Annotated Code of Maryland
 8 (1997 Replacement Volume and 2002 Supplement)

9 BY repealing and reenacting, with amendments,
 10 Article - Transportation
 11 Section 4-208(b)(3)(ii)
 12 Annotated Code of Maryland
 13 (2001 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
 15 Article - Transportation
 16 Section 13-507(a)(3)(ii), 13-955(e)(5) and (6), 21-1005(j)(1), 21-1006(a),
 17 21-1007(d), 25-111(j)(1) and (5), and 25-113(a)(2) and (5)
 18 Annotated Code of Maryland
 19 (2002 Replacement Volume)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 21 MARYLAND, That the Laws of Maryland read as follows:

22 **Article 10 - Legal Officials**

23 40.

24 (u) In Talbot County,

25 (4) (iii) A criminal investigator who is appointed under this paragraph:

26 8. Is not subject to any of the provisions of [Article 27, §§ 727
 27 through 734D] TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE.

28 (iv) If a criminal investigator meets the requirements of [Article 41,
 29 § 4-201 of the Code] TITLE 3, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE relating to
 30 the selection and training standards of the Police Training Commission, the State's
 31 Attorney may designate the criminal investigator as a peace officer.

32 (v) If a criminal investigator is designated as a peace officer, under
 33 item (iv) of this paragraph, the criminal investigator:

34 1. May not be subject to the provisions of [Article 27, §§ 727
 35 through 734D of the Code] TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE; and

Article 41 - Governor - Executive and Administrative Departments

1 4-301.

2 (a) (3) "DNA technology equipment" means any equipment used for DNA
3 testing purposes including those purposes listed under [Article 88B, § 12A (g)(1) of
4 the Code] § 2-505 OF THE PUBLIC SAFETY ARTICLE.

Article 49B - Human Relations Commission

5 5.

6 (e) (2) This section does not require structural changes, modifications, or
7 additions to buildings or vehicles, except as required by this paragraph or as
8 otherwise required by law. In addition, any building constructed, modified or altered
9 in compliance with, or pursuant to a waiver from, the [Maryland Building Code for
10 the Handicapped under Article 83B, § 6-102 of the Code] MARYLAND ACCESSIBILITY
11 CODE UNDER § 12-202 OF THE PUBLIC SAFETY ARTICLE shall not be subject to this
12 section.

13 22.

14 (b) (2) The requirements of paragraph (1) of this subsection are satisfied by
15 compliance with:

16 (ii) The federal law, regulations, and guidelines on handicapped
17 accessibility adopted under the federal Fair Housing Act Amendments of 1988 and
18 incorporated by reference in the rules and regulations adopted by the Department of
19 Housing and Community Development under [Article 83B, § 6-102 of the Code] §
20 12-202 OF THE PUBLIC SAFETY ARTICLE.

Article 83B - Department of Housing and Community Development

21 2-302.

22 (j) "Minimum livability code" means a regulation, statute or ordinance which
23 establishes minimum property maintenance standards adopted by the State or a
24 political subdivision in accordance with [§ 6-103 of this article] § 12-203 OF THE
25 PUBLIC SAFETY ARTICLE.

26 3-101.

27 (b) The Division includes:

28 (3) The administration of statewide building and material codes
29 established under [Title 6 of this article] TITLE 12, SUBTITLES 2, 3, 4, 5, AND 10 OF
30 THE PUBLIC SAFETY ARTICLE.

Article - Business Occupations and Professions

1 3-103.

2 (d) (2) Any work performed under this subsection shall be in compliance
3 with the Americans with Disabilities Act and the Maryland Building Performance
4 Standards set forth in [Article 83B, § 6-402 of the Code] TITLE 12, SUBTITLE 5 OF
5 THE PUBLIC SAFETY ARTICLE.

6 13-102.

7 This title does not apply:

8 (8) to a special police officer appointed and while performing under
9 [Article 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC
10 SAFETY ARTICLE or § 16-16 of the Code of Public Local Laws of Baltimore City.

11 19-101.

12 (k) "Security guard services" includes any activity that is performed for
13 compensation as a security guard to protect any individual or property, except the
14 activities of an individual while performing as:

15 (1) a marine guard or ship watchman, regardless of whether the guard or
16 watchman is stationed aboard a ship or on a pier; or

17 (2) a special police officer appointed and while performing under [Article
18 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY
19 ARTICLE or § 16-16 of the Code of Public Local Laws of Baltimore City.

Article - Business Regulation

20 4.5-101.

21 (h) "Industrialized building" has the meaning stated in [Article 83B, § 6-202
22 of the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE.

23 (i) "Install" has the meaning stated in [Article 83B, § 6-202 of the Code] §
24 12-301 OF THE PUBLIC SAFETY ARTICLE.

25 (j) "Mobile home" [has the meaning stated in Article 83B, § 6-202 of the
26 Code] MEANS A MANUFACTURED HOME AS DEFINED IN § 12-301 OF THE PUBLIC
27 SAFETY ARTICLE.

28 4.5-604.

29 A home builder who installs an industrialized building intended for residential
30 use or a mobile home is responsible to the owner for correcting any defects in any
31 component incorporated into the new home except for those industrialized buildings
32 or mobile homes that are the responsibility of the manufacturer of the industrialized
33

1 building and mobile home pursuant to [Article 83B, Title 6, Subtitle 2 of the Code]
2 TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

3 **Article - Commercial Law**

4 13-308.

5 (b) (1) The Attorney General and the State Fire Marshal shall each enforce
6 this section under the enforcement powers provided in this title and in [Article 38A of
7 the Code] THE PUBLIC SAFETY ARTICLE.

8 13-313.

9 (d) (1) The Attorney General and the State Fire Marshal shall each enforce
10 this section under the enforcement powers provided in this title and in [Article 38A of
11 the Code] THE PUBLIC SAFETY ARTICLE.

12 14-1309.

13 (b) (1) The Attorney General and the State Fire Marshal shall each enforce
14 this section under the enforcement powers provided in this title and in [Article 38A of
15 the Code] THE PUBLIC SAFETY ARTICLE.

16 **Article - Courts and Judicial Proceedings**

17 2-608.

18 (a) (10) "Law enforcement officer" means a law enforcement officer as
19 defined in [Article 27, § 727 (b) of the Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE
20 or any federal law enforcement officer who exercises the powers set forth in § 2-104 of
21 the Criminal Procedure Article.

22 3-8A-03.

23 (d) The court does not have jurisdiction over:

24 (4) A child at least 16 years old alleged to have committed any of the
25 following crimes, as well as all other charges against the child arising out of the same
26 incident, unless an order removing the proceeding to the court has been filed under §
27 4-202 of the Criminal Procedure Article:

28 (ix) A crime in violation of [Article 27, § 445, § 446, or § 481C of the
29 Code] § 5-133, § 5-134, § 5-138, OR § 5-203 OF THE PUBLIC SAFETY ARTICLE;

30 3-8A-27.

31 (g) This section does not prohibit a victim or victim's representative who has
32 filed a notification request form from being notified of proceedings and events
33 involving the defendant or child as provided in this subtitle, the Criminal Procedure
34 Article, OR the Criminal Law Article[, or Article 27 of the Code].

1 4-401.

2 Except as provided in § 4-402 of this subtitle, and subject to the venue
3 provisions of Title 6 of this article, the District Court has exclusive original civil
4 jurisdiction in:

5 (11) A proceeding for adjudication of a civil penalty for any violation under
6 § 5-1001 of the Environment Article, § 15-113, § 15-113.1, § 21-1122, or § 21-1414 of
7 the Transportation Article, or [Article 41, § 2-101 (c-1) of the Code] § 14-304 OF THE
8 PUBLIC SAFETY ARTICLE, or any rule or regulation issued pursuant to those sections;
9 5-106.

10 (u) A prosecution for an offense under [Article 27, § 449 (d) or (f) of the Code]
11 § 5-140, § 5-141, OR § 5-143 OF THE PUBLIC SAFETY ARTICLE, relating to straw sales of
12 regulated firearms to prohibited persons or minors and to illegal sales, rentals,
13 transfers, possession, or receipt of regulated firearms, shall be instituted within 3
14 years after the offense was committed.

15 5-303.

16 (c) (2) (ii) A local government may not indemnify a law enforcement
17 officer for a judgment for punitive damages if the law enforcement officer has been
18 found guilty under [Article 27, § 731 of the Code] § 3-108 OF THE PUBLIC SAFETY
19 ARTICLE as a result of the act or omission giving rise to the judgment, if the act or
20 omission would constitute a felony under the laws of this State.

21 5-409.

22 In the absence of fraud no insurance company or person who furnishes
23 information on its behalf is liable for damages in a civil action for any oral or written
24 statement made or any other action taken that is necessary to supply information
25 required under [Article 38A, § 57(d) of the Code] § 9-605 OF THE PUBLIC SAFETY
26 ARTICLE.

27 5-513.

28 An action or proceeding may not be prosecuted or maintained against a member
29 of a military court described under [Article 65, § 43 of the Code] TITLE 13, SUBTITLE
30 8 OF THE PUBLIC SAFETY ARTICLE, or an officer or person acting under its authority,
31 or reviewing its proceedings on account of the approval or imposition or execution of
32 any sentence, or the imposition or collection of a fine or penalty, or the execution of
33 any warrant, writ, execution, process, or mandate of a military court.

34 5-613.

35 Unless a subdivision or municipality requests the appointment of an individual
36 as a special policeman and the request is granted as provided in [Article 41, Title 4,
37 Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE, the
38 State and any subdivision or municipality of the State may not be liable or

1 accountable in any way for any act or omission by an individual appointed as a special
 2 policeman under [Article 41, Title 4, Subtitle 9 of the Code] TITLE 3, SUBTITLE 3 OF
 3 THE PUBLIC SAFETY ARTICLE.

4 7-409.

5 (a) (2) "Crime" means an act committed by a person in the State that is:

6 (x) A crime under § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, §
 7 8-726.1, § 8-738.1, [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD
 8 COUNTY, OR (D), AS IT RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY,
 9 of the Natural Resources Article;

10 (xi) A crime under [Article 27 of the Code] TITLE 3, SUBTITLE 1 OR
 11 SUBTITLE 5, TITLE 5, SUBTITLE 1, SUBTITLE 2, SUBTITLE 3, OR SUBTITLE 4, § 6-602, §
 12 7-402, OR § 12-701 OF THE PUBLIC SAFETY ARTICLE;

13 **Article - Criminal Law**

14 2-303.

15 (a) (3) (i) "Law enforcement officer" means a law enforcement officer as
 16 defined under the Law Enforcement Officers' Bill of Rights, [Article 27, § 727 of the
 17 Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE.

18 (ii) "Law enforcement officer" includes:

19 4. a law enforcement officer while privately employed as a
 20 security officer or special police officer under [Article 41, §§ 4-901 through 4-913 of
 21 the Code] TITLE 3, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE if the law
 22 enforcement officer is wearing the uniform worn while acting in an official capacity or
 23 is displaying prominently the officer's official badge or other insignia of office.

24 3-202.

25 (a) (2) A person may not commit an assault with a firearm, including:

26 (iv) a regulated firearm, as defined in [Article 27, § 441 of the
 27 Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

28 3-204.

29 (c) (2) Subsection (a)(2) of this section does not apply to:

30 (ii) an individual acting in defense of a crime of violence as defined
 31 in [Article 27, § 441 of the Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

32 4-101.

33 (b) This section does not prohibit the following individuals from carrying a
 34 weapon:

1 (3) a holder of a permit to carry a handgun issued under [Article 27, §
2 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; or

3 4-106.

4 (a) (6) "Firearm" includes:

5 (iv) a regulated firearm as defined in [Article 27, § 441 of the Code]
6 § 5-101 OF THE PUBLIC SAFETY ARTICLE.

7 4-203.

8 (b) This section does not prohibit:

9 (2) the wearing, carrying, or transporting of a handgun by a person to
10 whom a permit to wear, carry, or transport the handgun has been issued under
11 [Article 27, § 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE;
12 4-204.

13 (a) A person may not use an antique firearm capable of being concealed on the
14 person or any handgun in the commission of a crime of violence, as defined in [Article
15 27, § 441 of the Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE, or any felony, whether
16 the antique firearm or handgun is operable or inoperable at the time of the crime.

17 4-207.

18 (a) A person to whom a permit has been issued or whose permit has been
19 renewed under [Article 27, § 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC
20 SAFETY ARTICLE may not wear, carry, or transport a handgun while the person is
21 under the influence of alcohol or drugs.

22 4-208.

23 (a) (4) "Handgun" has the meaning stated in [Article 27, § 441 of the Code]
24 § 5-101 OF THE PUBLIC SAFETY ARTICLE.

25 4-306.

26 (b) (1) A person who uses an assault pistol, or a magazine that has a
27 capacity of more than 20 rounds of ammunition, in the commission of a felony or a
28 crime of violence as defined in [Article 27, § 441 of the Code] § 5-101 OF THE PUBLIC
29 SAFETY ARTICLE is guilty of a misdemeanor and on conviction, in addition to any
30 other sentence imposed for the felony or crime of violence, shall be sentenced under
31 this subsection.

32 4-501.

33 (c) (2) "Explosive material" includes:

1 (i) explosives as defined in [Article 38A, § 26 of the Code] § 11-101
2 OF THE PUBLIC SAFETY ARTICLE; and

3 (3) "Explosive material" does not include items excluded from explosives
4 in [Article 38A, § 26 of the Code] § 11-101 OF THE PUBLIC SAFETY ARTICLE when the
5 items are used in their original configuration.

6 4-502.

7 This subtitle does not apply to:

8 (4) a person who possesses smokeless or black gunpowder under [Article 38A
9 of the Code] TITLE 11, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE and uses the
10 gunpowder for loading or reloading small arms ammunition, antique firearms, or
11 replicas of antique firearms.

12 5-621.

13 (d) (2) A court shall double the minimum mandatory sentence provided in
14 subsection (c)(1)(ii) of this section if the firearm used during and in relation to a drug
15 trafficking crime is:

16 (i) listed in § 4-301 of this article or [Article 27, § 441 of the Code]
17 § 5-101 OF THE PUBLIC SAFETY ARTICLE;

18 5-622.

19 (a) In this section, "firearm" includes:

20 (3) a regulated firearm, as defined in [Article 27, § 441 of the Code] §
21 5-101 OF THE PUBLIC SAFETY ARTICLE.

22 6-201.

23 (g) (1) "Firearm" includes:

24 (iii) a regulated firearm, as defined in [Article 27, § 441 of the
25 Code] § 5-101 OF THE PUBLIC SAFETY ARTICLE.

26 **Article - Criminal Procedure**

27 2-102.

28 (a) This section does not apply to an employee of the Department of State
29 Police to whom the Secretary of State Police assigns the powers contained in [Article
30 88B, § 4 of the Code] § 2-412 OF THE PUBLIC SAFETY ARTICLE.

31 2-206.

32 (a) This section applies during a [public crisis, disaster, rioting, catastrophe,
33 or similar] public emergency, as [these terms are] defined in [Article 41, §

1 2-101(b)(1) of the Code] § 14-301(C)(1) OR (2) OF THE PUBLIC SAFETY ARTICLE, and
2 when public safety is imperiled, or on reasonable apprehension of immediate danger
3 of public safety being imperiled.

4 (b) During a time described in subsection (a) of this section, the authority to
5 make an arrest without a warrant granted to police officers under this title is granted
6 to a person who:

7 (1) is serving under a proclamation of a state of emergency issued by the
8 Governor, as provided in [Article 41, § 2-101(c) of the Code] § 14-303 OF THE PUBLIC
9 SAFETY ARTICLE, as:

10 (i) a member of a law enforcement unit that is listed in § 2-101(c)
11 of this title; or

12 (ii) a member of the militia called into action by the Governor, as
13 provided in [Article 41, § 2-101(e) of the Code] § 14-306 OF THE PUBLIC SAFETY
14 ARTICLE;

15 (2) is serving as a member of the militia ordered into active service by
16 the Governor under [Article 65, § 8 of the Code] § 13-702 OF THE PUBLIC SAFETY
17 ARTICLE; or

18 2-208.

19 (b) (2) The crimes referred to in paragraph (1) of this subsection are:

20 (vi) a crime that relates to interference, obstruction, or false
21 representation of fire and safety personnel under [Article 27, § 11D of the Code] §
22 6-602 OR § 7-402 OF THE PUBLIC SAFETY ARTICLE; and

23 2-209.

24 (a) (2) The powers of arrest set forth in paragraph (1) of this subsection
25 apply only to:

26 (ii) a crime that relates to the unlawful possession or sale of
27 explosives under [Article 38A, §§ 27A and 31 of the Code] §§ 11-105(A) AND 11-114(B)
28 AND (C) OF THE PUBLIC SAFETY ARTICLE.

29 (b) (2) The crimes referred to in paragraph (1) of this subsection are:

30 (ix) a crime that relates to interference, obstruction, or false
31 representation of fire and safety personnel under [Article 27, § 11D of the Code] §§
32 6-602 AND 7-402 OF THE PUBLIC SAFETY ARTICLE;

33 (xii) unlawful discharge or possession of fireworks under [Article
34 38A, §§ 16 and 17 of the Code] §§ 10-104, 10-110, AND 10-111 OF THE PUBLIC SAFETY
35 ARTICLE; and

1 (xiii) unlawful manufacture of or dealing in explosives under
2 [Article 38A, §§ 27 and 31A of the Code] §§ 11-105(A), 11-114(A), AND 11-115(B) OF THE
3 PUBLIC SAFETY ARTICLE.

4 4-101.

5 (a) (3) "Fire marshal" means:

6 (iii) as designated under [Article 38A, § 7 of the Code] § 6-304 OF
7 THE PUBLIC SAFETY ARTICLE:

8 1. an Assistant State Fire Marshal; or

9 2. a Special Assistant State Fire Marshal.

10 (c) (1) Subject to paragraph (2) of this subsection, in addition to any other
11 law allowing a crime to be charged by citation, a fire marshal may issue a citation for:

12 (i) discharging fireworks without a permit under [Article 38A, § 16
13 of the Code] § 10-104 OR § 10-110 OF THE PUBLIC SAFETY ARTICLE;

14 (ii) possessing with intent to discharge or allowing the discharge of
15 fireworks under [Article 38A, § 16 of the Code] § 10-104 OR § 10-110 OF THE PUBLIC
16 SAFETY ARTICLE; or

17 (iii) maintaining a fire hazard under [Article 38A, § 9(a) of the
18 Code] § 6-317 OF THE PUBLIC SAFETY ARTICLE.

19 13-201.

20 The following property is subject to seizure and forfeiture:

21 (1) a handgun worn, carried, or transported in violation of § 4-203 or §
22 4-204 of the Criminal Law Article or sold, rented, transferred, or possessed in
23 violation of [Article 27, § 442, § 442A, or § 445 of the Code] § 5-103, § 5-104, § 5-118, §
24 5-119, § 5-120, § 5-121, § 5-122, § 5-123, § 5-124, § 5-125, § 5-126, § 5-127, § 5-128, § 5-129,
25 § 5-133(A), (B), AND (D), § 5-134, OR § 5-136 OF THE PUBLIC SAFETY ARTICLE; and

26 13-203.

27 (b) (2) Qualification for possession of a handgun is the same as for sale or
28 transfer of a handgun under [Article 27, § 442 of the Code] §§ 5-103, 5-104, 5-118,
29 5-119, 5-120, 5-121, 5-122, 5-123, 5-124, 5-125, 5-126, AND 5-127 OF THE PUBLIC SAFETY
30 ARTICLE.

31 (c) A person who knowingly gives false information or makes a material
32 misstatement in an application for review or an investigation relating to an
33 application is subject to the penalties under [Article 27, § 449 of the Code] § 5-139 OF
34 THE PUBLIC SAFETY ARTICLE.

1

Article - Education

2 6-411.

3 (b) This subtitle does not make the State labor laws in [Article 89 and] Titles
4 3 and 7 of the Labor and Employment Article of the Code apply to public school
5 employment.

6 6-514.

7 This subtitle does not make the State labor laws in [Article 89 and] Titles 3 and
8 7 of the Labor and Employment Article of the Code apply to public school
9 employment.

10 7-303.

11 (a) (2) "Law enforcement agency" means the law enforcement agencies
12 listed in [Article 27, § 727 (b) of the Code] § 3-101(E) OF THE PUBLIC SAFETY
13 ARTICLE.

14 26-102.

15 (a) In this section, "school resource officer" means a law enforcement officer as
16 defined under [Article 27, § 727 (b) of the Code] § 3-101(E) OF THE PUBLIC SAFETY
17 ARTICLE [that] WHO has been assigned to a school in accordance with a
18 memorandum of understanding between the chief of a law enforcement agency as
19 defined under [Article 27, § 727 (g) of the Code] § 3-101(B) OF THE PUBLIC SAFETY
20 ARTICLE and the local education agency.

21

Article - Financial Institutions

22 5-707.

23 (a) In this section, "emergency" has the meaning stated in [Article 41, § 2-103
24 of the Code] § 14-307 OF THE PUBLIC SAFETY ARTICLE.

25

Article - Labor and Employment

26 3-702.

27 (b) (3) This section does not apply to an individual who applies for
28 employment or is employed:

29 (i) as a law enforcement officer, as defined in [Article 27, § 727 of
30 the Code] § 3-101 OF THE PUBLIC SAFETY ARTICLE;

31 5.5-113.

32 (c) The provisions of [Article 89, § 2A] § 12-101 OF THE PUBLIC SAFETY
33 ARTICLE concerning administrative search warrants apply to this title.

1 9-602.

2 (f) For the purpose of computing the average weekly wage of a member of the
3 organized militia of the State who is a covered employee under § 9-215 of this title,
4 the wages of the covered employee shall be the greater of:

5 (1) the wage provided for active duty in [Article 65, § 32(b) of the Code]
6 § 13-704(B) OF THE PUBLIC SAFETY ARTICLE; or

7 **Article - Natural Resources**

8 5-9A-05.

9 (b) (2) To qualify for additional funds appropriated above the level
10 appropriated in fiscal year 2000 as provided for in [Article 83B, § 6-503(f)(4) of the
11 Code] § 12-1007(D) OF THE PUBLIC SAFETY ARTICLE, an application shall include a
12 certification that the local jurisdiction has not adopted any local amendments to the
13 Maryland Building Rehabilitation Code.

14 8-1103.

15 (j) In the event the county or municipality fails to raise or to pay to the State
16 all or any portion of its percentage of the costs of a project as established by a
17 financing plan within 6 months of the certification of costs by the State Comptroller,
18 the State Comptroller shall cause to be withheld from State-collected, locally-shared
19 taxes, and, to the extent necessary, from the State aid for police protection provided
20 by [Article 88B, §§ 65 through 69 of the Code] ARTICLE 41, TITLE 4, SUBTITLE 4 OF
21 THE CODE to which the county or municipality would otherwise be entitled, for the
22 following fiscal year, a sum sufficient to reimburse the State for any sum remaining
23 unpaid, together with interest on the unpaid amount at the rate of 10% per annum
24 from the date of the certification by the State Comptroller.

25 10-410.

26 (c) (1) A person may not shoot at any species of wildlife from an automobile
27 or other vehicle or, except as provided in § 4-203(b) of the Criminal Law Article and
28 [Article 27, § 36E of the Code] TITLE 5, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE,
29 possess in or on an automobile or other vehicle a loaded handgun or shotgun, or a rifle
30 containing any ammunition in the magazine or chamber.

31 **Article - Public Safety**

32 5-133.

33 (c) (1) A person may not possess a regulated firearm if the person was
34 previously convicted of:

35 (i) a crime of violence; OR

1 (ii) a violation of § 5-602, § 5-603, § 5-604, § 5-605, § 5-606, §
2 5-607, § 5-608, § 5-609, § 5-612, § 5-613, or § 5-614 of the Criminal Law Article[; or
3 (iii) any other violation classified as a felony in the State].
4 5-203.

5 (a) A person may not possess a short-barreled rifle or short-barreled shotgun
6 unless:

7 (1) the person, while on official business is:

8 (i) a member of the law enforcement personnel of the federal
9 government, the State, or a political subdivision of the State;

10 (ii) a member of the armed forces of the United States or the
11 National Guard while on duty or traveling to or from duty;

12 (iii) a member of the law enforcement personnel of another state or
13 a political subdivision of another state, while temporarily in this State;

14 (iv) a warden or correctional officer of a correctional facility in the
15 State; or

16 (v) a sheriff or a temporary or full-time deputy sheriff; [and] OR

17 (2) the short-barreled shotgun or short-barreled rifle has been
18 registered with the federal government in accordance with federal law.

19 11-116.

20 (a) (2) Paragraph (1) of this subsection does not apply to a person who
21 neither intended to use nor used the explosives involved in violation of:

22 (i) Title 3, [Subtitle 3] SUBTITLE 1 or Subtitle 5, Title 5, Subtitle 1,
23 Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or [§ 12-1101] § 12-701 of this
24 article;

25 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
26 [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
27 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
28 Resources Article;

29 (xv) § 4-103 of the Code of Public Local Laws of Carroll County; OR

30 (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County[; or

31 (xvii) former Art. 27, §§ 268B, 268C, and 268D].

1 (b) (2) Paragraph (1) of this subsection does not apply to a person who had
 2 probable cause to believe that the explosives involved would be used for a purpose
 3 other than the violation of:

4 (i) Title 3, [Subtitle 3] SUBTITLE 1 or Subtitle 5, Title 5, Subtitle 1,
 5 Subtitle 2, Subtitle 3, or Subtitle 4, § 6-602, § 7-402, or [§ 12-1101] § 12-701 of this
 6 article;

7 (x) § 8-713.1, § 8-724.1, § 8-725.5, § 8-725.6, § 8-726.1, § 8-738.1,
 8 [or] § 8-740.1, OR § 10-411(B), AS IT RELATES TO HARFORD COUNTY, OR (D), AS IT
 9 RELATES TO ANNE ARUNDEL COUNTY OR CAROLINE COUNTY, of the Natural
 10 Resources Article;

11 (xv) § 4-103 of the Code of Public Local Laws of Carroll County; OR

12 (xvi) § 8A-1 of the Code of Public Local Laws of Talbot County[; or

13 (xvii) former Art. 27, §§ 268B, 268C, and 268D].

14 12-809.

15 (b) (1) The contractor, owner, or lessee of an elevator unit shall pay a fee for
 16 an inspection UNDER § 12-810(D) OR § 12-812(D)(3) OF THIS SUBTITLE at the following
 17 rate:

18 (i) half day (up to 4 hours), not to exceed \$250

19 (ii) full day (up to 8 hours, not to exceed \$500

20 **Article - Public Utility Companies**

21 7-401.

22 (d) (3) "Building" does not include:

23 (iii) an industrialized building as defined in [Article 83B, § 6-202 of
 24 the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE that bears an insignia furnished
 25 by the Department of Housing and Community Development under [Article 83B, §
 26 6-204 of the Code] TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE; and

27 (iv) a [mobile] MANUFACTURED home as defined in [Article 83B, §
 28 6-202 of the Code] § 12-301 OF THE PUBLIC SAFETY ARTICLE that bears an insignia
 29 issued by the Department of Housing and Community Development under [Article
 30 83B, § 6-208 of the Code] TITLE 12, SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE.

31 (e) "Energy Code" means energy conservation standards adopted under
 32 COMAR 05.02.07.04 Maryland Building Performance Standards (MBPS) under the
 33 authority of [Article 83B, § 6-402 of the Code] TITLE 12, SUBTITLE 5 OF THE PUBLIC
 34 SAFETY ARTICLE.

Article - State Government

1

2 3-303.

3 (b) (1) As to the land militia, the Governor may adopt any regulation or
4 issue any order on enlistment, discharge, organization, discipline, training, and
5 equipment that is needed to conform to [Article 65 of the Code] TITLE 13 OF THE
6 PUBLIC SAFETY ARTICLE, to the National Defense Act, or to any regulation that is
7 adopted under the National Defense Act.

8 3-304.

9 The Governor has the emergency powers and duties set forth in:

10 (1) [Article 16A of the Code;

11 (2) Title 2, Subtitle 1 of Article 41] TITLE 14 AND § 13-702 OF THE PUBLIC
12 SAFETY ARTICLE;

13 [(3)] (2) Article 41, § 2-406 of the Code; AND

14 [(4) Article 65, § 8 of the Code; and

15 (5)] (3) any other law.

16 3-401.

17 In this subtitle, "executive order" means an order or an amendment or rescission
18 of an order that, over the signature of the Governor:19 (1) proclaims or ends a state of emergency or exercises the authority of
20 the Governor during an emergency, under [Article 41, § 2-101 of the Code] TITLE 14,
21 SUBTITLE 3 OF THE PUBLIC SAFETY ARTICLE or any other provision of law;

22 8-403.

23 (b) Except as otherwise provided in subsection (a) of this section, on or before
24 the evaluation date for the following governmental activities or units, an evaluation
25 shall be made of the following governmental activities or units and the statutes and
26 regulations that relate to the governmental activities or units:

27 (10) Boiler Rules, Board of ([Article 48, § 169 of the Code] § 12-904 OF
28 THE PUBLIC SAFETY ARTICLE: July 1, 2013);

29 12-401.

30 In this subtitle, "State personnel" means:

31 (11) a person who, for or under contract with a unit of the State or a local
32 government, performs an emergency service during a state of emergency under
33 [Article 16A of the Code] TITLE 14 OF THE PUBLIC SAFETY ARTICLE;

1 15-105.

2 (b) [Article 27, §§ 727 through 734D of the Code do] TITLE 3, SUBTITLE 1 OF
3 THE PUBLIC SAFETY ARTICLE DOES not apply to activities carried out by the Ethics
4 Commission under this title.

5 **Article - State Personnel and Pensions**

6 8-305.

7 (c) (1) This subsection applies to law enforcement and civilian employees of
8 the Department of State Police who participate in the modified workday program
9 established in accordance with [Article 88B, § 23B of the Code] § 2-411 OF THE
10 PUBLIC SAFETY ARTICLE.

11 10-404.

12 (b) This section applies to all:

13 (3) members of the Maryland National Guard serving on orders issued in
14 accordance with [Article 65 of the Annotated Code of Maryland] TITLE 13 OF THE
15 PUBLIC SAFETY ARTICLE or Title 32 of the United States Code.

16 (c) (2) (i) A death benefit in the amount of \$50,000 shall be paid to the
17 surviving spouse, children, or dependent parents of any State employee covered by
18 the provisions of [Article 41, § 4-1002 of the Code] § 1-202 OF THE PUBLIC SAFETY
19 ARTICLE who is killed in the performance of duties on or after July 1, 2000.

20 (3) A death benefit under this section shall be in addition to any:

21 (iii) benefit provided to a State employee covered by the provisions
22 of [Article 41, § 4-1002 of the Code] § 1-202 OF THE PUBLIC SAFETY ARTICLE; and

23 21-111.

24 (b) (4) If the Board of Trustees approves an application for disability
25 retirement on behalf of a State police officer under [Article 88B, § 15(b)(16) of the
26 Code] § 2-415(B) OF THE PUBLIC SAFETY ARTICLE, the Board of Trustees shall hold a
27 hearing unless the officer waives the hearing in writing.

28 24-201.

29 This subtitle applies only to:

30 (1) a police employee as defined in [Article 88B, § 2 of the Code] § 2-101
31 OF THE PUBLIC SAFETY ARTICLE; and

32 29-103.

33 (c) (2) The Secretary of the State Police may complete an application and
34 submit it to the Board of Trustees for a member if:

1 (v) any administrative leave granted under [Article 88B, § 23A of
2 the Code] § 2-410 OF THE PUBLIC SAFETY ARTICLE has expired.

3 29-112.

4 If the Board of Trustees approves an application for disability retirement for a
5 member of the State Police Retirement System that was filed by the Secretary of the
6 State Police under § 29-103(c) of this subtitle or [Article 88B, § 15(b)(16) of the Code]
7 § 2-415(B) OF THE PUBLIC SAFETY ARTICLE, the member:

8 (1) within 90 days after approval, may exercise an option as provided
9 under §§ 21-402 and 21-403 of this article; or

10 (2) shall receive the basic allowance.

11 **Article - Tax - General**

12 10-207.

13 (e-1) (1) In this subsection, "law enforcement officer" means a law
14 enforcement officer as defined in [Article 27, § 727 (b) of the Code] § 3-101 OF THE
15 PUBLIC SAFETY ARTICLE or other sworn law enforcement officer of the United States,
16 a state, or a political subdivision of a state.

17 11-104.

18 (d) The sales and use tax rate for the first retail sale of a [mobile]
19 MANUFACTURED home, as defined in [Article 83B, § 6-202 (g) of the Code] §
20 12-301(G) OF THE PUBLIC SAFETY ARTICLE, is the rate imposed under subsection (a) of
21 this section applied to 60% of the taxable price.

22 11-213.

23 Except for the 1st retail sale of the [mobile] MANUFACTURED home, the sales
24 and use tax does not apply to a sale of a [mobile] MANUFACTURED home, as defined
25 in [Article 83B, § 6-202 (g) of the Code] § 12-301(G) OF THE PUBLIC SAFETY ARTICLE.

26 **Article - Transportation**

27 4-208.

28 (b) (3) A Maryland Transportation Authority police officer may exercise the
29 powers described in paragraph (2) of this subsection, if:

30 (ii) Ordered to do so by the Governor pursuant to a proclamation or
31 declaration by the Governor of a state of emergency under [Article 16A of the Code or
32 Article 41 of the Code] TITLE 14 OF THE PUBLIC SAFETY ARTICLE.

1 13-507.

2 (a) (3) (ii) The fees collected under this paragraph shall be paid into the
3 Vehicle Theft Prevention Fund established under [Article 88B, § 74 of the Code] §
4 2-703 OF THE PUBLIC SAFETY ARTICLE.

5 13-955.

6 (e) The money in the Fund shall be used solely for:

7 (5) The provision of grants under the Senator William H. Amoss Fire,
8 Rescue, and Ambulance Fund in accordance with the provisions of [Article 38A, §§
9 45A through 45D of the Code] TITLE 8, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE;
10 and

11 (6) The Low Interest Revolving Loan Account under the Volunteer
12 Company Assistance Fund in accordance with the provisions of [Article 38A, §§ 46E
13 through 46H of the Code] TITLE 8, SUBTITLE 2 OF THE PUBLIC SAFETY ARTICLE.

14 21-1005.

15 (j) Except in Baltimore City and Baltimore County, within 30 days after it
16 receives the notification required by subsection (i) of this section, the State Highway
17 Administration shall install and maintain at the proper place a sign or signs, which
18 shall:

19 (1) Conform to the applicable requirements of the Maryland Accessibility
20 Code adopted under [Article 83B, § 6-102 of the Code] § 12-202 OF THE PUBLIC
21 SAFETY ARTICLE; and

22 21-1006.

23 (a) Each parking lot that is constructed or altered after October 1, 1996 shall
24 conform with the requirements of the Maryland Accessibility Code adopted under
25 [Article 83B, § 6-102 of the Code] § 12-202 OF THE PUBLIC SAFETY ARTICLE.

26 21-1007.

27 (d) Nothing contained in this section shall be construed as negating the
28 provisions of the Maryland Accessibility Code adopted under [Article 83B, § 6-102 of
29 the Code] § 12-202 OF THE PUBLIC SAFETY ARTICLE.

30 25-111.

31 (j) (1) Notwithstanding the provisions of [Article 16A, § 6A of the Code] §
32 14-107 OF THE PUBLIC SAFETY ARTICLE, the Governor may delegate the power to
33 declare a utility or transportation emergency to the Secretary or the Secretary's
34 designee.

35 (5) A utility or transportation emergency declared by the Secretary or
36 the Secretary's designee may not extend for more than 3 days, unless renewed by the

1 Governor pursuant to [§ 6A of Article 16A of the Code] § 14-107 OF THE PUBLIC
2 SAFETY ARTICLE.

3 25-113.

4 (a) (2) "Law enforcement agency" means an agency that is listed in [Article
5 27, § 727 (b) of the Code] § 3-101(E) OF THE PUBLIC SAFETY ARTICLE and that, in
6 accordance with subsection (c) of this section, is subject to the provisions of this
7 section.

8 (5) "Police Training Commission" means the unit within the Department
9 of Public Safety and Correctional Services established under [Article 41, § 4-201 of
10 the Code] § 3-202 OF THE PUBLIC SAFETY ARTICLE.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2003.